
Chapter 21 Stalking

Section 6

Abstract

Stalking behavior has existed since the beginning of human history. Until recently, however, this behavior had never been labeled as a distinct pattern of deviant social behavior--let alone a crime. In fact, it was not until the passage of the first anti-stalking statute in 1990 that such behavior became *illegal*. Since this event, legislators, criminal justice professionals, and victim service providers have started to examine the nature of and psychological motivations behind stalking behavior. Still, the study of stalking and the development of effective response strategies is a discipline that is very much in its infancy. New information, issues, and challenges related to stalking come to light on a daily basis. The rapid evolution of this issue places ever-increasing demands on the field to stay current about how best to assist victims and respond effectively to stalkers.

Learning Objectives

Upon completing this section, students will understand the following concepts:

- The definition of stalking.
- The characteristics of stalkers and their victims.
- The categories used to classify stalking cases.
- The methods and motives of stalkers.
- The impact of stalking on victims.
- Response strategies for victims being stalked.

Statistical Overview

- Data from the National Violence Against Women Survey, a nationally representative telephone survey of 8,000 men and 8,000 women ages eighteen and older, indicate that 2.2% of males and 8.1% of females report being stalked during their lifetime. The survey defines stalking as a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity; nonconsensual communication; verbal, written, or implied threats; or a combination thereof, that would cause a reasonable person fear (BJS 1999).

- Four out of five stalking victims are women. By comparison, 94% of the stalkers identified by female victims and 60% of the stalkers identified by male victims were male (Violence Against Women Grants Office July 1998, 10).
- With respect to stranger and acquaintance stalking, 1.8% of all U.S. women, compared with 0.8% of all U.S. men, have been stalked by strangers; and 1.6% of all U.S. women, compared with 0.8% of all U.S. men have been stalked by acquaintances (Ibid., 12).
- Based on comparisons between estimated numbers of stalkers per total U.S. population, and numbers of cyber stalkers per online population, it is estimated that there are 63,000 Internet stalkers cruising the information superhighway, stalking an estimated 474,000 targets (Cyberangels 2000).
- The Los Angeles District Attorney's Office estimates that e-mail and other electronic communications were factors in approximately 20 percent of the roughly 600 cases handled by its Stalking Threat Assessment Unit (Reno 1999).

Introduction

Though the term "stalking" is somewhat new to the modern lexicon, the behavior itself is not new to human experience. The conduct generally associated with stalking--following, spying, unwanted calling/writing, accosting, harassing, and threatening--is as old as the history of human relationships. Yet, it has only been within the last decade that we have recognized such behavior as socially deviant--even criminal. Criminal justice and victim service professionals have always had to face such behavior but they only began to think about and address it as a separate issue when the conduct was distinguished as a unique phenomenon, deserving its own name--stalking.

This process of distinguishing stalking from other deviant social or criminal behavior reached a defining moment in 1990 when the state of California passed the first statute that made stalking a crime. This was a watershed event that triggered similar statutes in other states and at the federal level. The enactment of the California statute resulted in a growing awareness of stalking among criminal justice officials, victim service professionals, and the general public--all of whom began to view the problem in a more serious light.

Following the enactment of the California law and other anti-stalking statutes, criminologists and forensic psychologists began to study the nature of stalking behavior and the motivation of stalkers. Law enforcement, previously lacking the power and authority to take any action in such cases, began to develop specialized response strategies for stalking cases. Some jurisdictions even created special units to take on a more pro-active role in stalking cases. Prosecutors embarked on an effort to educate themselves and one another

about how stalkers could be charged under stalking statutes (as well as other criminal laws) and how to best prosecute such cases. Victim service providers began to reexamine the way in which they responded to stalking, expanding their services and enhancing case management strategies in an effort to better serve the needs of victims. Even victims of stalking have come to identify themselves as a distinct and unique constituency by forming support groups to help one another cope with the aftermath of the crimes committed against them.

The rapidly growing interest in stalking is spawning a new area of "specialization" among professionals whose roles regularly involve them in such cases. Yet, even the most experienced among such professionals would readily admit that they are just beginning to understand the complex problems that stalking poses for both victims and society-at-large. Most of these professionals agree that solutions to the problem of stalking are not likely to be found without a considerable amount of additional research.

Definition of Stalking

Traditionally, the general perceptions of stalking involve some dark and malicious character following and even spying on an unsuspecting person. However, this stereotypical view is far too narrow to encompass all the behaviors generally attributed to stalkers today. Stalkers may indeed follow their targets physically but they are just as likely to use a variety of other means to monitor the activities of their targets. Stalkers have been known to use binoculars, telescopes, cameras equipped with "long lenses," video cameras, hidden microphones, the Internet, public records, and accomplices (both witting and unwitting) to keep track of the whereabouts and activities of those they target.

Stalking is less about surveillance of victims than it is about contact with them. If stalkers only wished to view the objects of their obsession from afar, they would not pose a serious safety risk. Stalkers, by their very nature, want more. They want contact. They want a relationship with their victims. They want to be part of their victims' lives. And, if they cannot be a positive part of their victims' lives, they will settle for a negative connection to their victims. It is this mind set that not only makes them "stalkers," but also makes them dangerous. Thus, virtually all stalking cases involve behavior that seeks to make either direct or indirect contact with the victim. A 1998 National Institute of Justice (NIJ) survey of stalking victims provided the first glimpse into the kinds of tactics stalkers most often employ in the commission of their crimes (Tjaden and Theonnes 1998). What follows is a breakdown by percentage of some of the tactics that victims report:

- Followed, spied on, stood outside home or place of work (82%).
- Made unwanted phone calls (61%).
- Sent unwanted letters or left unwanted items (30%).

- Vandalized property (30%).
- Killed or threatened to kill a pet (9%).

While most of these behaviors alone may not in and of themselves *explicitly* communicate a threat, the number, nature, and context in which they occur may well communicate an *implied* threat. It is this element of threat to the safety of another that makes the conduct a crime and most legal definitions of stalking specifically address the presence of an element of threat.

How prevalent is stalking? Until very recently, no empirical evidence was available to answer this question. The most commonly quoted estimate had been that approximately 200,000 individuals are stalked each year in the U.S. However, the 1998 NIJ study first attempted to quantify the number of stalking cases. Based on a survey of more than 16,000 adults, the study estimated that 1.4 million Americans (approximately 1,000,000 women and 400,000 men) are currently being stalked in the U.S.--a number seven times greater than the previous estimate of 200,000 (Tjaden and Theonnes 1998).

Stalking Statutes

While stalking statutes in each state vary considerably, most include language which defines stalking as:

- *Any person who engages in a course of conduct directed at a specific person that places that person, or their family, in reasonable fear for their safety, is guilty of the crime of stalking (NIJ 1993).*

Most states classify first-time stalking offenses as misdemeanors. While penalties vary from state to state, stalking typically carries a penalty of up to one year in prison and/or up to a \$1,000 fine. Some states have penalties that are substantially stiffer for second offenses, stalking in violation of a protective order, and/or stalking a child.

Service providers need to keep in mind that stalking victims may have the option of turning to the federal system for prosecution if their case falls within jurisdictional guidelines (i.e., if the offense occurs on a military base, involves crossing a state line, etc.). In addition to the anti-stalking provision of the Domestic Violence and Stalking Act (18 U.S.C. §§ 2261-2265) the statute also includes provisions related to the violation of protective orders. Crimes in violation of either provision may provide victims with the means to pursue prosecution in federal court--particularly when the stalker is a former spouse or domestic partner. The Federal Obscene or Harassing Telephone Calls statute (47 U.S.C. § 223) may also prove useful in stalking cases where the perpetrator uses the phone to stalk and harass his or her victim. Having the option of pursuing a case in federal court may prove critical to many victims. In cases

where local authorities refuse to prosecute--or when the local authorities *are* the perpetrators--federal prosecution may be a victim's only option.

SIGNIFICANT LEGISLATION

As of April 1, 2000, twenty-three states had included electronic forms of communication within their harassment or stalking laws.

For example, Section 646.9 of the California Penal Code, Paragraph (g) determines the circumstances under which a person is liable for the tort of stalking: "Credible threat" is "a verbal or written threat including that performed by an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent and the apparent ability to carryout the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family." Paragraph (g) defines "electronic communication" devices as "including but not limited to telephones, cellular telephones, computers, video recorders, fax machines, or pagers." (CA Penal Code Sec. 646.9 (g) & (h), California Cyber Stalking Law of 1998).

In the first case tried under the California cyberstalking law, a security guard was found guilty and incarcerated for using Internet bulletin boards and chat rooms to solicit the rape of a woman who had rejected his romantic advances.

Characteristics of Stalkers and Their Victims

DEMOGRAPHICS OF THE STALKER

The demographics related to stalkers are both broad and diverse. As empirical evidence now shows, virtually *anyone* can be a stalker. Stalkers come from all walks of life and socioeconomic backgrounds. Despite their demographic diversity, data shows that some characteristics are more common among stalkers than others.

- 87% are male.
- 80% are white.
- 50% are between the ages of 18-35.
- Most are of above average intelligence.
- Most earn above-average incomes (Tjaden and Theonnes 1998).

The one trait all stalkers share is that they suffer from a personality or mental disorder, if not both.

DEMOGRAPHICS OF STALKING VICTIMS

Just as anyone can be a stalker, virtually anyone can be a stalking victim. The characteristics of stalking victims typically cut across all demographic boundaries. But again, some characteristics are more common than others among stalking victims.

- 78% are women.
- 83% are white.
- 74% are between the ages of 18-39.
- 59% are married.
- 35% have high school diplomas.
- 46% graduated from college (Tjaden and Theonnes 1998).

RELATIONSHIP BETWEEN STALKERS AND THEIR VICTIMS

As mentioned above, stalking is most often about "relationships"--prior, desired, or imagined. Therefore, it is critical to know about any prior relationship between the victim and the offender. The NIJ study indicates that the clear majority of stalkers and their victims (60%) had a personal relationship before the stalking began. The majority of these cases (42%) involved spouses or partners and another 14% had a dating relationship. In more than 4% of these cases, the stalker and the victim were actually related to one another. Nearly 18% of stalkers were acquaintances or co-workers of the victim, while only 22% were complete strangers (Tjaden and Theonnes 1998).

Nevertheless, the relationships between victims and offenders often follow broad, distinct patterns, allowing forensic psychologists to use the relationship between stalkers and victims as a means of categorizing stalking behavior and stalking cases. Still, it is important to keep in mind that some cases do not follow any pattern and may shift between categories as they evolve. Thus, these categories are only useful as broad guidelines to aid in the discussion and analysis of stalking as an emerging category of crime.

Categories of Stalking

As mentioned, forensic psychologists have begun to study stalking as a distinct pattern of criminal behavior by analyzing and categorizing identified patterns and common characteristics of stalking cases. Chief among these characteristics is the relationship between the stalker and the victim. Initially, this approach identified three categories of stalking cases--Simple Obsession, Love Obsession,

and Erotomania. However, recent developments seem to indicate the need for a fourth category which could be termed "vengeance" or "terrorist" stalkers.

SIMPLE OBSESSION STALKING

This category represents 60% of all stalking cases, including all cases arising from previous personal relationships (i.e., those between husbands/wives, girlfriends/boyfriends, domestic partners, etc.) Many simple obsession cases are actually extensions of a previous pattern of domestic violence and psychological abuse. The only difference is that the abuse occurs in different surroundings and through slightly altered tactics of intimidation. Thus, the dynamics of power and control that underlie most domestic violence cases are often mirrored in simple obsession stalking cases.

Stalking behaviors observed in many domestic violence cases are motivated by the stalker's lack of self-esteem and feelings of powerlessness. Indeed, abuser/stalkers attempt to raise their own self-esteem by demeaning and demoralizing those around them. In most cases, they target their former spouses. The exercise of power and control over their victims gives stalkers a sense of power and self-esteem that they otherwise lack. In this way, the victim not only becomes the stalker's source of self-esteem but also becomes the sole source of the stalker's identity. Thus, when victims attempt to remove themselves from such controlling situations, stalkers often feel that their power and self-worth have been taken from them. In such cases, stalkers will often take drastic steps to restore personal self-esteem. It is when stalkers reach this desperate level that they may feel they have "nothing to lose" and become most volatile. This dynamic makes simple obsession stalkers dangerous, as individuals and as a group.

Simple obsession is the most likely category of stalking to result in murder. Thirty percent of all female homicides were committed by intimate partners. Domestic violence victims run a 75% higher risk of being murdered by their partners. "If I can't have you, nobody will," has become all too common a refrain in cases that escalate to violence. Many of these cases end with the murder of the victim followed by the suicide of the stalker.

LOVE OBSESSION STALKING

In this category, stalkers and victims are casual acquaintances (neighbors, co-workers) or even complete strangers (fan/celebrity). Primarily, stalkers in this category seek to establish a personal relationship with the object of their obsession--contrary to the wishes of their victims. Love obsession stalkers tend to have low self-esteem and often target victims who they perceive to have exceptional qualities and high social standing. These stalkers seek to raise their own self-esteem by associating with those whom they hold in high regard.

Love obsession stalkers become so focused on establishing a personal relationship with their victims that they often invent detailed fantasies of a nonexistent relationship. They literally script the relationship as if it were a stage play. However, when victims choose not to participate in the stalker's imagined passion-play, the stalker may try to force victims into assigned roles. Often, love obsession stalkers are so desperate to establish a relationship--*any relationship*--that they "settle" for negative relationships, explaining why some stalkers are willing to engage in destructive or violent behavior in an irrational attempt to "win the love" (more likely the attention) of their victims. Such obsessive reasoning might explain why John Hinkley believed he would win the heart of Jodi Foster by shooting President Ronald Reagan. It might also explain why a man who proclaimed himself to be John Lennon's "biggest fan" shot him dead on the sidewalk outside of his home.

While cases of "star stalking" often receive the most media attention, a greater number of love obsession stalkers develop fixations on "regular" people--noncelebrities. In one particularly tragic case, a young computer engineer developed a fixation on a new female co-worker, Laura Black. What began as seemingly friendly, even charming gestures on his part soon became excessive and threatening. Shortly after he had been fired for the relentless harassment of Ms. Black, he returned to the workplace and literally shot his way through the building. He killed several employees and wounded many more, including Ms. Black. A search of the stalker's home uncovered a scrapbook full of doctored pictures of himself and his victim on a ski trip that never took place. This fantasy ski trip was part of a scripted relationship he wanted to make a reality.

EROTOMANIA STALKING

By definition, erotomaniacs are delusional and consequently, virtually all suffer from mental disorders--most often schizophrenia.

Unlike "simple" and "love" obsession stalkers who seek to establish or reestablish personal relationships with their victim, erotomaniacs delude themselves into believing that such a relationship *already exists* between themselves and the objects of their obsession.

Though relatively rare (comprising fewer than 10% of all cases), erotomania stalking cases often draw public attention because the target is usually a public figure or celebrity. Like love obsession stalkers, erotomaniacs attempt to garner self-esteem and status by associating themselves with well-known individuals who hold high social status. Erotomaniacs seek fame and self-worth by basking in the celebrity of others. While the behavior of many erotomaniacs never escalates to violence, or even to threats of violence, the irrationality that accompanies their mental illness presents particularly unpredictable threats to victims.

Perhaps the best-known case of erotomania stalking involved a series of incidents perpetrated against the popular late night talk show host, David Letterman. This woman, first found hiding in Mr. Letterman's closet, believed she was his wife. On numerous other occasions she was caught trespassing on his property. With her young son in tow, she once scaled the six foot wall surrounding Letterman's property. On another occasion, she was arrested while driving Letterman's stolen car. When questioned by police, she confidently stated that her husband was out of town and that she was going grocery shopping so she would have dinner ready for him upon his return. Despite the treatment she received during her many involuntary stays at a mental institution, she eventually took her own life.

VENGEANCE/TERRORISM STALKING

The final stalking category is fundamentally different from the other three. Vengeance stalkers *do not* seek a personal relationship with their targets. Rather, vengeance/terrorist stalkers attempt to elicit a particular response or a change of behavior from their victims. When vengeance is their prime motive, stalkers seek only to punish their victims for some wrong they perceive the victim has visited upon them. In other words, they use stalking as a means to "get even" with their enemies.

The most common scenario in this category involves employees who stalk employers after being fired from their job. Invariably, the employee believes that their dismissal was unjustified and that their employer or supervisor was responsible for unjust treatment. One bizarre variation on this pattern is the case of a scout master who was dismissed for inappropriate conduct and subsequently decided to stalk his *entire* former scout troop--scouts and scout leaders alike.

A second type of vengeance or terrorist stalker, the political stalker, has motivations that parallel those of more traditional terrorists. That is, stalking is a weapon of terror used to accomplish a political agenda. Utilizing the threat of violence to force the stalking target to engage in or refrain from engaging in particular activity. For example, most prosecutions in this stalking category have been against anti-abortionists who stalk doctors in an attempt to discourage the performance of abortions.

CYBERSTALKING

Stalking has now taken a turn into cyberspace on the information superhighway. Although there is no universally accepted definition of cyberstalking, the term is generally used to refer to the use of the Internet, e-mail, or other telecommunication technologies to harass or stalk another person. Essentially, cyberstalking is an extension of the physical form of stalking. Most state and federal stalking laws require that the stalker make a direct threat of violence

against the victim, while some require only that the alleged stalker's course of conduct constitute an implied threat. Although some cyberstalking conduct involving annoying or menacing behavior might fall short of illegal stalking under current laws, such behavior may be a prelude to real-life stalking and violence and should be treated seriously. Cyberstalking has the potential to move from a URL address to an IRL (*in real life*) address--from virtual to actual (Gregorie 2000).

In *Cyberstalking: A New Challenge for Law Enforcement and Industry--A Report from the U.S. Attorney General to the Vice President* (1999), cyberstalking is identified as a growing problem. According to the report, there are currently more than 80 million adults and 10 million children with access to the Internet in the United States. Assuming the proportion of cyberstalking victims is even a fraction of the proportion of persons who have been the victims of offline stalking within the preceding twelve months, the report estimates there may be potentially tens or even hundreds of thousands of cyberstalking victims in the United States (Gregorie 2000).

Techniques. Cyber stalkers use a variety of techniques. They may initially use the Internet to identify and track their victims. They may then send unsolicited e-mail, including hate, obscene, or threatening mail. Live chat harassment abuses the victim directly or through electronic sabotage (for example, flooding the Internet chat channel to disrupt the victim's conversation). With newsgroups, the cyber stalker can create postings about the victim or start rumors which spread through the bulletin board system. Cyber stalkers may also set up a Web page(s) on the victim with personal or fictitious information or solicitations to readers. Another technique is to assume the victim's persona online, such as in chat rooms, for the purpose of sully the victim's reputation, posting details about the victim, or soliciting unwanted contacts from others. More complex forms of harassment include mail bombs (mass messages that virtually shutdown the victim's e-mail system by clogging it), sending the victim computer viruses, or sending electronic junk mail (spamming). There is a clear difference between the annoyance of unsolicited e-mail and online harassment. However, cyberstalking is a course of conduct that takes place over a period of time and involves repeated deliberate attempts to cause distress to the victim (Ibid.).

Recommended actions. In many cases, existing laws may cover the unlawful conduct at issue, but the use of the Internet is presenting numerous investigatory challenges with regard to jurisdiction, anonymity, and constitutionally-protected free speech that should be addressed. To address the investigation, prosecution and prevention of cyberstalking, Attorney General Janet Reno (1999) made the following recommendations to Vice President Gore on cyberstalking:

- States should review their laws to determine whether they address cyberstalking and if not, promptly expand laws to include same.

- Federal law should be amended to prohibit the transmission of any communication in interstate or foreign commerce with intent to threaten or harass another person where such communication places that person in reasonable fear of death or bodily injury.
- Law enforcement agencies need training on the extent of cyberstalking and appropriate investigative techniques.
- The Internet industry should create an industry-supported Web site containing information about cyberstalking and what to do if confronted with the problem.

Impact of Stalking on Victims

There is little doubt that stalking has a tremendous impact on the lives of those who are targeted. Indeed, many victim service professionals contend that the threat of violence inherent in stalking cases can take a higher toll on its victims than those who have been victims of completed acts of violence. The following are signs of stalking-related stress:

- Loss of sleep.
- Weight loss.
- Depression.
- Anxiety.
- Difficulty concentrating.

The 1998 NIJ study indicated that 30% of women and 20% of men in stalking cases sought psychological counseling as a result of the victimization (Tjaden and Theonnes 1998). Moreover, many victims experience a loss of personal support systems at the very moment they need them most. Stalking victims often turn to family, friends, and co-workers for help, guidance, and emotional support. However, given the intractability of many stalking cases, victims often find that their friends, co-workers, neighbors, and even their family members are unable to sustain levels of long-term support.

Additionally, the economic security of stalking victims may be shattered as a result of their victimization. The NIJ study provides an empirical perspective indicating that 25% of stalking victims lost time from work as a result of being targeted and another 7% said that they were unable to return to work altogether. In some more egregious cases, victims have been fired by unsympathetic employers unwilling to accommodate special needs of victim employees.

Response Strategies for Stalking Victims

Each stalker is different just as every stalking case is different, and it is virtually impossible to construct a single strategy that is an appropriate response in all stalking cases. Response strategies must be tailored to fit the unique circumstances surrounding each case.

Given the complexities involved, any victim is unlikely to have the experience and knowledge to craft an effective response strategy without assistance. Victims' strategic planning is better accomplished with the advice and active support of victim service professionals who have extensive experience in the management of stalking cases. For this reason, the best advice anyone could offer a stalking victim is to seek the assistance of victim service professionals at the earliest point possible.

A qualified service professional will first consult with the victim on risk-assessment. Based on the assessment, victims and service professionals will next jointly develop a safety plan or overall response strategy which will best serve victims' interests. Often, victims are the best judges of the threat and the likely reaction that stalkers may have to any conceived strategy. No matter how carefully an initial plan is thought out, victims and advocates must be willing to alter the plan as circumstances warrant. The approach that may make the most sense upon first inspection may prove ineffective or even counterproductive when tested against real-life circumstances. Thus, both victims and their service providers--in conjunction with other allied professionals--must be willing to revisit and adjust their strategies and plans as events evolve. This dynamic partnership has proven to be most effective.

While each case is unique and must be addressed with a unique set of strategies, the vast array of options may appear daunting to the victim. Skilled service providers, however, can help victims find their way through the buffet of options so that victims can piece together response strategies.

What follows is a list of these strategies for stalking victims as developed by the National Center for Victims of Crime (NCVC 1999; LAPD 1993). Although this list is not intended to be comprehensive, the strategies are representative of alternatives that victims and service providers may want to consider when developing response plans.

VICTIMS IN IMMINENT DANGER

The primary goal of victims in imminent danger should be to locate a safe place for themselves. Safety for stalking victims can often be found in the following places:

- Police stations.

- Residence of family/friend (if location is unknown to perpetrator).
- Domestic violence shelters/churches.
- Public areas (stalkers may be less inclined toward violence or creating a disturbance in public places).

If departure from the current location is not possible and a telephone is accessible, a victim may contact local law enforcement via 911. Upon reaching safety, a victim may want to communicate with local law enforcement, victim services, mental health professionals, and/or social services in order to receive additional assistance and referrals.

VICTIMS IN CONTINUAL DANGER, BUT NO IMMEDIATE THREAT

Some victims may not be in immediate danger, but they may assess the probability of impending danger. If stalking victims determine that they are at risk of being in a potentially harmful or violent situation, they may consider the following:

Restraining/protective/stay-away orders.

- Generally, these orders require the offender to stay away from and not interfere with the complainant. If violated, stalkers may be punishable by incarceration, a fine, or both. Unfortunately, restraining orders are *not* foolproof. They are not always complied with by stalkers or enforced by law enforcement officials or others in the criminal justice system. Therefore, victims should be cautioned against developing a false sense of security based on the issuance of a protective order.
- Orders are *not* assured--they are at the discretion of the sitting judge.
- These orders are typically obtained through the district attorney's or prosecutor's office.

Anti-stalking laws.

- All states have enacted anti-stalking laws that make it a crime to willfully, maliciously, and repeatedly harass, follow, or cause credible threat to another individual in an attempt to frighten or harm.
- Victims may call or visit their local prosecutor's office to inquire about the state laws, municipal laws, and their applicability to specific cases.

Other illegal acts.

- Victims may determine that the perpetrator has broken a law other than the applicable state stalking law if the stalker has entered the victim's household without permission, stolen, and/or destroyed the victim's property, physically and/or sexually assaulted the victim, etc.

Notifying the police of any of the above illegal acts may be important for the following reasons:

- If convicted, the perpetrator may be incarcerated and/or, if probable cause is shown at a hearing prior to conviction, ordered to stay away from the victim. The latter may be ordered by a judge if:
 - Charges may intimidate the offender, sending the message that his or her actions are illegal and will not be tolerated.
 - Notification to the police produces documentation that may be useful in a future complaint for evidentiary or credibility purposes.

Documentation/evidence collection.

- Documentation of stalking should be saved and given to law enforcement.
- Documentation of the perpetrators' actions may be useful in future complaints or proceedings for evidentiary or credibility purposes.
- Documentation may take the form of photos of destroyed property/vandalism or any injury inflicted on the victim by the perpetrator; answering machine messages saved on tape; letters or notes written by the perpetrator; affidavits from witnesses; and other materials.
- All documentation and evidence collected should be kept in a safe place to prevent theft by the perpetrator.

Local victim advocate/crisis counselor. Assistance may be obtained from the following sources:

- Domestic violence shelters/counselors.
- Rape crisis counselors.
- Victim advocates in district attorney's/prosecutor's offices.
- Local law enforcement.

Crisis counselors may either give a referral telephone number to a victim or offer to make an initial call and have a service professional from the referral organization contact the victim.

When no appropriate referral is available in the victim's vicinity, law enforcement agencies should be contacted.

Preventive measures.

- Install dead bolts. If a victim cannot account for all keys, change locks and secure spare keys.
- If possible, install adequate outside lighting.
- Maintain an unlisted telephone number. If harassing phone calls persist, notify law enforcement.
- Treat any threats as legitimate and inform law enforcement.
- Vary routes taken and limit time spent walking.
- Inform a trusted neighbor (and colleagues) regarding situation. Provide neighbors with a photo or description of the suspect and any possible vehicles he or she may drive. Allow them to serve as your "early warning" which will buy you time to escape should the stalker appear.
- If residing in an apartment with an on-site manager, provide the manager with a picture of the suspect.
- Have co-workers screen calls and visitors.
- When out stay in public areas and try not to travel alone.

Contingency plans. When victims are not in imminent danger, they still could be at risk at any time. For this reason, a contingency plan may be appropriate. Victims should consider--

- Having quick access to critical telephone numbers and locations of:
 - Law enforcement agencies.
 - Safe places (friends, domestic violence shelters, etc.).
 - Individuals to be contacted after safety is secured (family, neighbors, friends, employers, attorneys, prosecutors, pet care, etc.).
- Keeping a reserve of necessities that is easily accessible:

- A packed suitcase in the car, or at another ready location for quick departure. Include a toy, book, and any special belongings for children.
- Money.
- Other necessary items such as bank and credit card information, creditors' numbers, medical insurance, and birth certificates, as well as personal welfare items including medications.
- A ready means of transportation (keep gas in the car, have money for a taxi, etc.) and back-up keys for neighbors.
- Alerting the following critical people of the situation and potential crisis:
 - Law enforcement.
 - Employers.
 - Family/friends/neighbors.
 - Security personnel.

Stalking is one of the most difficult issues facing criminal justice officials and victim service professionals. Studies now show that stalking is far more common than previously estimated and its consequences to victims more profound than imagined. The demographics of stalkers and their victims are as diverse as the entire population. The complexity of stalking behavior and the motivations behind such crimes make it a problem as difficult to comprehend as it is to solve. Professionals in the fields of criminology, psychology, and victimology are just beginning to develop response strategies based on their initial study of experience with stalkers and stalking behavior. Only a comprehensive and coordinated response of committed individuals and institutions--both inside and outside the criminal justice system--will likely succeed in stemming the fear, violence, and death that stalking inflicts on millions of victims each year.

Promising Practices

- Dover, NH Police Anti-Stalking Unit. The Dover Police Department, with assistance from a USDOJ Community Oriented Policing Services (COPS) grant, has created an Anti-Stalking Unit that is charged to investigate all harassing, threatening, and stalking behaviors. It is a crime in New Hampshire if someone repeatedly follows a person, appears at their home, or engages in threatening contact. The unit staff are on hand to assist all stalking victims in assessing risks and developing safety plans. Their ten-minute video called "Stalked? What to Do" provides basic information about how to deal with stalking and is available for free by telephone or e-mail (staff e-mail addresses appear on the [Web site](#)).

Dover Police Department, Dover, NH (603-742-4646) (then select City Departments, Police Department, Anti-Stalking Unit).

- San Diego County Stalking Strike Force. The District Attorney's Office in San Diego County, CA developed a Stalking Strike Force to increase awareness of problems in defending victims from stalkers, to better assess risks to their safety, and to improve the tracking of stalkers and the collection of viable evidence to effectively prosecute them. The unit is comprised of two attorneys, a victim/witness professional, and an investigator. The unit comes in contact with victims of stalkers in two ways--through law enforcement referral or through the stalking victim hotline in its office. Employing a proactive approach from the first moment of contact, they assign an investigator to the case to determine risk to the victim's safety and the possible need for a restraining order. Victims meet with the victim/witness professional to learn preventive measures to widen their safety net and limit their contact with the stalker. The unit has developed response plans that include set-ups for taping stalker phone calls and voicemail to screen telephone calls.
 - When victims have been physically threatened by their stalker, they are advised to relocate. An emergency fund is in place to assist victims in rapid relocations.
 - The stalking unit helps victims obtain restraining orders when necessary.
 - The stalking unit's investigator continues to monitor and collect evidence on the stalker once the victim has relocated.

Stalking Strike Force, Office of the District Attorney, 330 West Broadway, San Diego, CA 92101 (619-531-4040).

Web Sites for Victims of Cyberstalking

- The [Stalking site](#) at the "An Abuse, Rape & Domestic Violence Aid & Resource Collection" Web site at AOL.com is designed to: support stalking victims; explain the parameters of the crime; and address such issues as what constitutes stalking, who are the victims, what to do if one is stalked, and exercising one's legal rights. The site also provides links to the stalking laws in all fifty states.
- This [Web site](#) has been in existence since 1995 and is considered the largest Internet safety and education program for parents and children. Cyberangels has Net Patrol teams that regularly monitor the Internet for child crimes, cyber stalkers, and fraudulent scams, and report them to law enforcement authorities. The Web site provides support groups for victims of stalking and harassment over the Internet and gives tips on how to

document and report cyberstalking. Cyberangels also provides additional site links and reviews and recommends blocking/filtering software.

Stalking Self-Examination

1. How do most state statutes define stalking?
2. What characteristics are most typical of stalkers? Stalking victims?
3. What are the four categories used to distinguish stalking cases?
4. What are some of the strategies used to respond to stalking cases?

Chapter 22 Special Topics (Section 6 Supplement)

Stalking

Statistical Overview

- In the Third Annual Report to Congress under the Violence Against Women Act, researchers stated that, contrary to common belief, only 23% of female victims are stalked by strangers. Thirty-eight percent of female stalking victims are stalked by current or former husbands, 10% by current or former cohabiting partners, and 14% by current or former boyfriends (NIJ 2001).
- The National College Women Sexual Victimization (NCWSV) study reported a stalking incidence rate of 156.5 per 1,000 female students or 13% during the seven-month period following the beginning of the 1996 school year. A stalker in this study was defined as someone who repeatedly followed, watched, phoned, wrote, e-mailed, or communicated in other ways that appeared obsessive and made the individual afraid or concerned for her safety (Fisher, Cullen, and Turner 2000).
- In the NCWSV study, four out of five victims knew their stalkers: 42.5% were boyfriends or ex-boyfriends; 24.5% were classmates; 10.3% were acquaintances; 5.6% were friends; and 5.6% were co-workers. Stalking incidents lasted an average of sixty days. Two-thirds of the sample reported being stalked two to six times a week (Ibid.).
- In the NCWSV survey, some victims reported being physically injured by the stalker; 10.3% were forced into a sexual or an attempted sexual contact. Over 15% reported that the stalker threatened or attempted to harm them, and 30% felt injured emotionally and psychologically from being stalked (Ibid.).

Significant Legislation

MICHIGAN CYBERSTALKING LAW

On April 1, 2001, amendments to the Michigan criminal stalking law were signed that make it illegal for a person to post a message through an electronic medium, including the Internet, if the sender intends to make the victim feel terrorized, frightened, intimidated, or harassed, and the action causes the victim to suffer emotional distress or feel terrorized, frightened, intimidated, or harassed. Violations of the law constitute felonies and can carry prison sentences of up to two years or fines of up to \$2000. The new law also provides more stringent penalties, up to five years in prison and \$10,000 in fines, if the message is a violation of a restraining order, injunction, or condition of release (NCVC 2002).

CALIFORNIA INCREASES PENALTIES FOR STALKING

California Assembly Bill 2425 enacted on September 24, 2000, increases sentences for convicted stalkers, streamlines notification to victims of offender

release, and sets up a public telephone number which victims and the general public can call to inquire about a stalker's bail arrangements or release. Stalkers with a high risk of reoffending will be placed under intensive parole supervision (California AB 2425).

WEST VIRGINIA INCREASES PENALTIES FOR REPEAT OFFENDERS

SB 192 went into effect in West Virginia on July 13, 2001, to establish felony penalties for a subsequent conviction for stalking within five years of a prior conviction and for stalking that is in violation of a protection order. Both acts are punishable by incarceration in a state correctional facility for one to five years or a fine of \$3000 to \$10,000 (NCVC 2000).

RHODE ISLAND PASSES NEW STALKING LAWS

On July 13, 2001, the Rhode Island legislature passed several laws to address stalking. Senate 193A provides for a civil cause of action for stalking. House 5248 permits an employer to obtain a restraining order on behalf of an employee who is being harassed or stalked at the workplace. House 5466A criminalizes cyberstalking and provides for felony penalties for second convictions and cyberstalking in violation of a restraining order (Ibid.).

Current Stalking Issues

In addition to new laws and policies enacted to address cyberstalking and to increase punishment for repeat offenders, states are grappling with other issues concerning victim safety once the stalker has been apprehended by the police.

BAIL RESTRICTION

Strengthening Antistalking Statutes, published by the Office for Victims of Crime (2002), reports that many states are currently addressing pretrial release conditions for stalkers and safety concerns for victims. Stalkers who have been charged are usually released on bail and may continue to be dangerous to victims during the pretrial phase. Some states are seeking means to protect victims during this phase of the criminal justice process by allowing the courts to attach a no-contact order as a condition of pretrial release or giving the court the discretion to deny bail if it can be determined that the stalker presents a threat to the physical safety of the victim. The state of Illinois calls for a hearing to determine if a stalker presents a real and present threat to the physical safety of a victim and if so, bail can be denied to prevent the fulfillment of the threat.

LIFETIME PROTECTION ORDERS

Some stalkers have lifetime obsessions about their targets so that when they reach the end of their sentence, at-risk victims must go through the process of reapplication for protection orders, sometimes for the rest of their lives. The application process is not only traumatic to victims but also may reveal to the stalker their whereabouts. Therefore, states are looking at such remedies as post-adjudication lifetime protection orders. The state of New Jersey has

addressed this problem by linking a conviction for stalking in the state to an application for a permanent restraining order so that once the stalker is found guilty, the permanent restraining order is issued and can only be revoked by request from the victim (OVC 2002).